

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Ewan Leask,

Case 22-CV-2481 (NEB/DTS)

Plaintiffs,

vs.

City of Minneapolis, et al.,

Defendants.

**DECLARATION OF
HEATHER ROBERTSON IN
SUPPORT OF CITY DEFENDANTS'
MOTION TO AMEND THE
SCHEDULING ORDER**

Your Declarant is Heather Robertson, and she submits the following declaration on behalf of the Defendant City of Minneapolis' and Jeffrey Pennaz's ("City Defendants'") Motion to Amend the Scheduling Order:

1. I am an Assistant City Attorney with the Minneapolis City Attorney's Office. I am one of the attorney's assigned to represent the Defendant City of Minneapolis and Jeffrey Pennaz in this matter. I submit this declaration in support of the City's Motion to Amend the Scheduling Order

2. Attached as Exhibit A is a true and correct copy of the email sent to Plaintiff's counsel on May 23, 2023, serving the City of Minneapolis' first set of discovery requests on Plaintiff.

3. Plaintiff's counsel consented in writing to receive service of all documents in the case by email.

4. Attached as Exhibit B is a true and correct copy of the City of Minneapolis' First Set of Interrogatories to Plaintiff.

5. On June 16, 2023, the Department of Justice held a press conference and there was extensive media coverage of the report released, entitled "Investigation of the City of Minneapolis and the Minneapolis Police Department." ("DOJ report"). The press release, along with a link to download the DOJ report, can be found on the Department of Justice's website: <https://www.justice.gov/opa/pr/justice-department-finds-civil-rights-violations-minneapolis-police-department-and-city>

6. Attached as Exhibit C is a true and correct copy of Plaintiff's Responses to Defendant City of Minneapolis's First Set of Discovery Requests which were signed by Plaintiff on June 19, 2023.

7. Attached as Exhibit D is a true and correct excerpt from the DOJ report including the title page, pages 7-8, and 48-56.

8. Investigators from the Department of Justice did not attempt to speak with the attorneys for the City of Minneapolis who were representing the City of Minneapolis and City of Minneapolis employees in litigation relating to protests.

9. Attached as Exhibit E is a true and correct excerpt from the August 18, 2023, deposition of Plaintiff Ewan Leask, comprising pages 1, and 119-120.

10. Attached as Exhibit F is a true and correct copy of an email from Plaintiff's counsel sent on November 1, 2023, at 1:35 p.m. with the subject line "Leask – supplemental discovery production".

11. Attached as Exhibit G is a true and correct copy of an email sent November 1, 2023, at 5:24 p.m., serving on Plaintiff the Defendant City of Minneapolis' Second Set of Interrogatories to Plaintiff and Defendant City of Minneapolis' Second Set of Requests for the Production of Documents to Plaintiff.

12. Attached as Exhibit H is a true and correct copy of Defendant City of Minneapolis' Second Set of Interrogatories to Plaintiff and Defendant City of Minneapolis' Second Set of Requests for the Production of Documents to Plaintiff.

13. Attached as Exhibit I is a true and correct copy of an email sent to Plaintiff's counsel on November 7, 2023, inquiring whether Plaintiff would stipulate to an extension to discovery in order to accommodate non-party discovery regarding the DOJ report.

14. Attached as Exhibit J is a true and correct copy of a chain of emails between November 7, 2023 and November 8, 2023 involving counsel for the parties in this matter, discussing whether there was any possibility of a stipulation to extend discovery in this matter.

15. Attached as Exhibit K is a true and correct copy of the Subpoena for a 30(b)(6) deposition and for production of documents, that was served on the USAO on November 17, 2023

16. Attached as Exhibit L is a true and correct copy of the Affidavit of Heather Robertson, served along with Exhibit K on November 17, 2023, outlining the reasons for seeking the information requested by subpoena.

17. Attached as Exhibit M is a true and correct copy of a letter from Lucas Draisey, Assistant U.S. Attorney, dated November 22, 2023, explaining that 60 days would be required to determine whether the USAO would make any disclosures in this case.

18. Attached as Exhibit N is a true and correct copy of email correspondence between counsel from November 21, 2023, and November 24, 2023, revisiting the question of whether Plaintiff would stipulate to amending the scheduling order.

19. Attached as Exhibit O is a true and correct copy of email correspondence between counsel from November 22, 2023, to November 27, 2023, regarding whether the DOJ report sent on November 1, 2022, was a supplemental discovery production or supplemental initial disclosure.

20. The City of Minneapolis is currently involved in negotiations with the Department of Justice with the goal of entering a Consent Decree.

21. Attached as Exhibit P is a true and correct copy of Plaintiff's First Set of Discovery Requests to Defendants which were served on July 25, 2023.

22. Attached as Exhibit Q is a true and correct copy of Defendant City of Minneapolis' Responses to Plaintiff's First Set of Requests for Production of Documents which were served on August 24, 2023.

23. Attached as Exhibit R is a true and correct copy of Plaintiff's counsel's letter sent on August 29, 2023, outlining perceived deficiencies in City Defendants' discovery responses.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Signed in Hennepin County, Minnesota.

Dated: December 1, 2023

KRISTYN M. ANDERSON

City Attorney

By s/ Heather P. Robertson

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